

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

Case name Insituform Technologies, Inc. v. American Home Assurance Company
 District Court Case No. 04-10487 District of Massachusetts (Boston)
 Date Notice of Appeal filed April 25, 2008 Court of Appeals Case No. _____
 Form filed on behalf of American Home Assurance Company

TRANSCRIPT REPORT

Transcript Not Necessary for this Appeal _____
 Transcript Already Filed in District Court. List each transcript by docket entry number and date and type of proceeding (attach separate page if necessary) (1) Docket Entry No. 43 for hearing held on 1/30/2006; (2) Docket Entry No. 88 for Final Pretrial Conference held on 1/24/2008; and (3) Docket Entry No. 89 for Status Conference held on February 1, 2008.


TRANSCRIPT ORDER

Name of Court Reporter Shelly Killian (for 1/19/05 and 11/20/06 transcripts); Marcia Patrisso (for 11/19/07 transcript)
 Phone Number of Reporter 978-346-0506; 617-737-8728

- A. ☒ **This constitutes an order of the transcript of the following proceedings [check appropriate box(es) and indicate dates of hearing(s)]:**
- | PROCEEDING(S) | HEARING DATE(S) |
|--|---|
| <input type="checkbox"/> Jury Voir Dire | _____ |
| <input type="checkbox"/> Opening Statement (plaintiff) | _____ |
| <input type="checkbox"/> Opening Statement (defendant) | _____ |
| <input type="checkbox"/> Trial | _____ |
| <input type="checkbox"/> Closing Argument (plaintiff) | _____ |
| <input type="checkbox"/> Closing Argument (defendant) | _____ |
| <input type="checkbox"/> Findings of Fact/Conclusions of Law | _____ |
| <input type="checkbox"/> Jury Instructions | _____ |
| <input type="checkbox"/> Change of Plea | _____ |
| <input type="checkbox"/> Sentencing | _____ |
| <input type="checkbox"/> Bail hearing | _____ |
| <input checked="" type="checkbox"/> Pretrial proceedings (specify) _____ | <u>1/19/2005 (motion hearing), 11/20/2006(motion hearing), 11/19/2007 (status conference)</u> |
| <input type="checkbox"/> Testimony (specify) _____ | _____ |
| <input type="checkbox"/> Other (specify) _____ | _____ |

NOTE: Any form that fails to specify in adequate detail those proceedings to be transcribed will be considered deficient.

- B. ☒ **I certify that I have contacted the court reporter and the following financial arrangements for payment of the transcript have been made:**
- ☒ Private funds.
 - ☐ Government expense (civil case). IFP status has been granted and a motion for transcript at government expense has been allowed. (Attach a copy of the order to each copy of this order form.)
 - ☐ Criminal Justice Act. A CJA Form 24 has been approved by the district court judge.
 - ☐ Criminal Justice Act. A CJA Form 24 is attached for authorization by the court of appeals.
 - ☐ Federal Public Defender/Government Counsel - no CJA Form 24 necessary.

Filer's name Kurt M. Mullen Filer's Signature 
 Firm/Address Nixon Peabody LLP, 100 Summer Street, Boston, MA 02110-2131
 Telephone number 617- 345-1113 Date mailed to court reporter May 5, 2008

(Court Reporter Use ONLY) Date received _____

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT TRANSCRIPT REPORT/ORDER FORM

This form must be completed by any party that files a notice of appeal to the First Circuit and by any party that wishes to order a transcript for an appeal. **A Transcript Report/Order Form that fails to comply with these instructions will be deemed non-compliant. In addition, the appeal will be subject to dismissal pursuant to 1st Cir. R. 3.0(b) and 10.0(a) if appellant fails to timely file a Transcript Report/Order Form.**

TRANSCRIPT REPORT INSTRUCTIONS

If a transcript is not necessary for the appeal, or the transcript is already completed and filed with the district court, only the Transcript Report section needs to be completed. Appellant must file 2 copies of the form with the Court of Appeals Clerk's Office, accompanied by proof of service on opposing parties, within 14 days after the case is docketed in the Court of Appeals.

TRANSCRIPT ORDER INSTRUCTIONS

If the transcript is being ordered, the Transcript Order section of the form must be completed. The completed Transcript Order Form must be filed with the court reporter in the district court within 10 days after filing the notice of appeal. Fed. R. App. P. 10(b). Do not submit this form until financial arrangements have been made with the court reporter. Appellant must file 2 copies of the completed Transcript Order Form with the Court of Appeals Clerk's Office and one copy with the district court clerk's office, accompanied by proof of service on opposing parties, within 14 days after the case is docketed in the Court of Appeals.

CRIMINAL JUSTICE ACT INSTRUCTIONS

Any party ordering transcripts at government expense under the Criminal Justice Act must also complete a CJA Form 24, Authorization and Voucher for Payment of Transcripts. The voucher must be authorized by either the district court judge or the circuit court judge prior to the order being placed with the court reporter. Both the Transcript Order Form and CJA Form 24 must indicate with specificity those proceedings to be transcribed. The transcript order will be considered timely for purposes of Fed. R. App. P. 10(b) and 1st Cir. R. 3.0(b) and 10.0(a) if a completed Transcript Order Form and a CJA Form 24 in need of authorization are received by the Court of Appeals Clerk's Office within 14 days of the docketing of the appeal. The Clerk's Office will forward the Transcript Order Form and authorized CJA Form 24 to the court reporter.

NOTE: A separate transcript order (and if necessary, a CJA Form 24) must be completed for each court reporter from whom a transcript is requested.

COURT REPORTER'S DUTIES

The court reporter should indicate on the Transcript Order Form the date of receipt of the form. Once the Transcript Order Form is filed in the Court of Appeals, the Clerk's Office will send a Transcript Order Acknowledgment to the court reporter noting the deadline for production of the transcript. If the court reporter *promptly* returns the Acknowledgment indicating that the transcript order is incomplete for any reason, the deadline may be suspended until the party ordering the transcript cures the deficiency. If the court reporter cannot complete the transcript by the deadline, he or she must file a motion for extension in the Court of Appeals. Fed. R. App. P. 11(b). An extension of time does not waive the mandatory fee reductions, which shall take effect after 60 days if the transcript order is not completed and a waiver has not been granted. Once the transcript is complete, the court reporter must file a copy with the district court, provide the ordering party with a copy, and file a Certification of Filing Transcript with the Court of Appeals Clerk's Office. The Certification *must* be filed in this Court in order to establish timeliness of the transcript.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon all parties registered for electronic notification via the Court's electronic filing system on May 5, 2008.

/s/ Kurt M. Mullen

Kurt M. Mullen